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November 6, 2009



**Ms. Ann K. Quinlan, Acting Secretary-
Surface Transportation Board
Washington D.C.**

**Re: STB Docket No. AB-33 (Sub No. 263X) Union Pacific Railroad Company –
Abandonment Exemption-In Cook County, Illinois of the line commonly known as
the “Weber Industrial Lead” .Petition for reverting land of the easement to
adjacent property owners.**

Dear Ms. Quinlan:

Please take notice that pursuant to Federal case law, your board has lost jurisdiction over the abandonment proceedings of the Union Pacific Railroad Company, herein called the “Railroad”. And for the foregoing reason, your Board may not sign now an agreement between The Village of Lincolnwood, herein called the “Village”, the City of Chicago, herein called the “City” and the railroad to establish a Trail/rail banking agreement.

Statement of Facts

Please take notice , that on December 17, 2008, according to the records filed with your Board, the aforesaid railroad abandoned the” Weber Industrial Lead line”, herein called the “easement” and began negotiations with the City and the Village for the consummation of the abandonment process.

In June, 2009, the Village of Lincolnwood requested and received by your Board an extension of time to finalize their negotiations with the railroad for the issuance of a Trail/ Rail banking agreement. Please see your Board’s Decision No. 40018 DO.

However, in September and October 2009, the railroad contracted with outside private contractors and removed all the "rails and ties" from the easement.

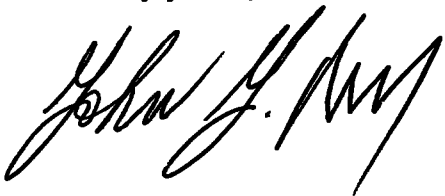
Nevertheless, on December 10, 1997, the Federal D.C. Court of Appeals ruled in favor of a Kansas owner by agreeing with the property owner that the railroad had consummated abandonment, when it removed the rails and ties from the easement. And once abandonment has been consummated, no Trail Use Agreement can be signed and the STB has lost jurisdiction to issue trails use agreements. Please see Becker v. STB, case 95-1481, united States Court of Appeals D. C. Circuit 10th, decided on December 20, 1997.

Whereof, by taking this action, the railroad has consummated the abandonment process and has deprived your Board of jurisdiction as a matter of law.

Whereof, petitioner respectfully requests on his behalf and on behalf of all adjacent property owners, similarly situated, that your Board ceases and desist any activities in the future to approve the issuance of a Trail/rail banking agreement of the railroad with the City and the Village.

Whereof, petitioner respectfully requests on his behalf and on behalf of all adjacent property owners, similarly situated, that your Board acknowledges having no jurisdiction over this subject matter any longer and compel the railroad to transfer the right of the way to the adjacent owners. Thank you.

Sincerely yours,



**cc. Village of Lincolnwood, 6900 North Lincoln, Lincolnwood, IL 60712,
City of Chicago
United States Federal Court of Claims File
Union Pacific Railroad Company**